IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :20073 of 2005

DATED:30.07.2007.

Between:

The Divisional Railway Manager, Secunderabad Division & another

.....PETITIONERS

AND

V.R.Raju and another

.....RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:20073 OF 2005

ORDER: (Per the Honourable Smt. Justice T. Meenakumari)

This writ petition is filed by the petitioners seeking to call for the records pertaining to the order dated 22.7.2005 passed in O.A.No:867/2004 by the Central Administrative Tribunal, Hyderabad and set aside the same as unjust.

The status of the parties will hereinafter be referred to as arrayed before the tribunal.

The respondents are the applicants before the tribunal. Originally, the applicants have filed O.A., seeking to declare the order No:CP/672/Selec/JLI (DSL), dated 16.4.2004 cancelling the selections of the applicants to the posts of Junior Loco Inspectors pursuant to the notification dated 8.11.2003 and further notification dated 6.4.2004 published by the respondents for selection against the same pass as illegal and consequently to set aside the same by directing the respondents to complete the selection process pursuant to the notification dated 8.11.2003 and appoint the applicants as Junior Loco Inspectors with all consequential reliefs and benefits.

While allowing the O.A., the tribunal has observed in the order impugned thus:

“This is a blatant attempt to defy the orders of the tribunal by the respondents and their contention that the action taken on the basis of an order which stands quashed, is to say the least,

irresponsible and such attitudes have to be deprecated in a strong manner. The correct course to have been adopted would have been to issue fresh proceedings with the approval of the President, if the respondents were of the view that the foot plate experience is essential for the post in question. Such instructions would necessarily have only prospective effect. Therefore, the notification dated 6.4.2004 issued by the respondents on the basis of the circular No:212/2002, which stands quashed by the orders of the Chennai Bench of C.A.T in O.A.No:761 and 762 of 2003, is illegal and therefore, it is quashed to the extent it prescribes the minimum combined three years foot plate experience for eligibility to the post. The respondents are directed to consider and appoint the applicants in the two reserved vacancies of Loco Inspectors on the basis of their total period of three years of regular service without insisting on a minimum combined three years of foot plate experience, if they have secured the minimum combined percentage of marks required in the written test and viva voce and finalise the selection process.

Having aggrieved by the same, the respondents have preferred the present writ petition.

Heard the learned counsel and perused the entire material available on record as well as the order impugned.

At this stage, it is relevant to note that the respondents have filed an additional affidavit in this writ petition, wherein it is stated that the controlling authority of the respondents viz., Divisional Mechanical Engineer (Power), Secunderabad has advised vide letter No:C.M.226, L. Staff. Con dated 27.7.2007 that the applicants did not have requisite foot plate experience as on today. However, the Committee consisting of two officers constituted by the competent authority on 18.7.2007 to assess the foot plate experience of the two respondents, has submitted its report wherein it is stated that both the

applicants' knowledge in foot plate is quite satisfactory and their technical knowledge in respect of latest modifications of the diesel loco is also up to the mark as required by the administration and are declared fit to work as Locomotive drivers and also as Loco Inspectors (Diesel Traction). As far as the vacancy position of Junior Loco Inspectors is concerned, either more vacancies are likely to arise due to promotion of Junior Loco Inspectors to the posts of Senior Loco Inspector (Diesel Traction).

In view of the fact that has been mentioned in the additional affidavit filed by the respondents to the effect that the applicants' knowledge in foot plate is quite satisfactory and their technical knowledge in respect of latest modifications of the diesel loco is also up to the mark as required by the administration and are declared fit to work as Locomotive drivers and also as Loco Inspectors (Diesel Traction), We feel it appropriate to direct the respondents to consider the case of the applicants for selection to the post of Loco Inspectors in the existing vacancies in S.C. Railway, Secunderabad.

Subject to the above modification of the order of the tribunal, this W.P. is disposed of. No order as to costs.

(JUSTICE T.MEENAKUMARI)

Date:30th July, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:20073 of 2005

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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30th July, 2007.